

PATENT
USSN 10/053,758
Docket 002980US; 018/183

REMARKS

The amendment to the claims is voluntary and made at the option of the assignees as being of commercial interest for immediate patent protection. The amendments to claims 1-8 do not introduce any substantial new limitations. Accordingly, coverage is retained for all equivalents to which applicants were previously entitled. Applicants intend to pursue coverage for additional subject matter embodied in the disclosure and claims as originally filed in one or more separate applications.

Entry of the claim amendments does not introduce new matter into the disclosure. Support for the new claims may be found at various places in the specification, and the claims as originally presented.

Interview Summary and Response

The undersigned thanks Examiner Susan Ungar for the courteous and constructive interview held at the Patent Office on September 2, 2004. The claim amendments indicated above were discussed and approved.

The Examiner questioned the relationship between the human telomerase protein preparations disclosed in this application, and the human telomerase protein preparations disclosed in U.S. Patent No. 6,517,834, owned by Geron Corporation and invented by Scott L. Weinrich et al. The '834 patent is related to U.S. Patent Nos. 5,968,506, 6,261,556; 6,545,133; and 6,787,133; PCT publication WO 98/45450; granted EP patent 981627 B1, and pending U.S. application serial no. 10/811,033.

A copy of the '834 patent is enclosed with this response for the convenience of the Examiner.

The Weinrich patents teach a method for purifying telomerase protein from cells that express it, such as 293 transformed kidney cells. The resulting product can be 3,550-fold enriched compared with the starting extract — which is a considerable achievement in view of the paucity of hTERT and the number of contaminating enzymes and other components in such extracts.

Enclosed is a Declaration under 37 CFR § 1.132 by Dr. Calvin Harley, Chief Scientific Officer of Geron Corporation. Dr. Harley explains that despite the effectiveness of this method, the preparations were never sufficiently pure in hTERT concentration to raise an hTERT antibody.

Accordingly, the anti-hTERT antibodies described and claimed in this application are novel and non-obvious over the prior art of record, including the Weinrich patents.

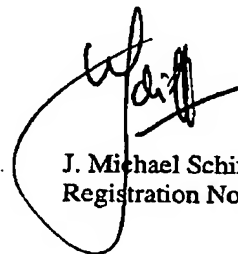
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Conclusion

Applicant respectfully requests examination of the application on the merits in view of these amendments and remarks.

No fee is believed payable with respect to this Amendment. Nevertheless, should the Patent Office determine that any fee is required for further consideration of the application, the Commissioner is hereby authorized to charge such fee (or credit any overpayment) to Deposit Account No. 07-1139, referencing the docket number indicated above.

Respectfully submitted,



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